

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DEBORAH MOLLER,
Plaintiff,

v.

COUNTY OF SAN
BERNARDINO, et al.,
Defendants.

CV 22-01306 DSF (MARx)

Order Vacating Trial Date in the
Separate Trial as to Loma Linda
Medical Center and Order to
Show Cause re Sanctions for
Failure to Prosecute and Failure
to Obey Court Orders

At the pretrial conference in this matter, the Court ordered: “The parties are to provide to the chambers email (1) a statement of the case to be read to the jury as instructed by the Court, (2) revised witness list(s), (3) detailed explanations re any hearsay or relevance objections to exhibits as instructed by the Court, (4) a glossary of names and any unusual terms that may be used during the trial.” See Dkt. 343.

In addition, the Court ordered: “Jury instructions revised as instructed by the Court shall be filed by no later than October 16, 2024.” Id. The parties failed to provide the jury instructions—or any explanation for the failure to submit jury instructions—by that date.

On October 16, the Court issued its Text Only Entry, which stated in part: “On October 7, 2024, the Court ordered the parties to provide to the chambers email (1) a statement of the case to be read to the jury as instructed by the Court, (2) revised witness list(s), (3) detailed explanations re any hearsay or relevance

objections to exhibits as instructed by the Court, (4) a glossary of names and any unusual terms that may be used during the trial. Items 2 and 3 are ordered to be provided no later than October 22, 2024. Items 1 and 4 are ordered to be provided no later than October 25, 2024 at noon. The Court advises counsel that the potential conflict with the trial date has been resolved and the trial will commence on October 29, 2024 at 8:30 a.m.”

On October 17, 2024, the Court issued its Text Only Entry, which stated in part: “The parties have failed to comply with the Court’s order requiring the parties to file jury instructions revised as instructed by the Court at the pretrial conference by no later than October 16, 2024. See Dkt. 343. The Court orders the parties to file revised jury instructions immediately as previously ordered by the Court. Further failures to comply with the rules and orders of this Court, and the rules and orders of the Central District, will result in sanctions against one or both parties.” Dkt. 347.

On October 22, 2024, Loma Linda University Medical Center (LLUMC) filed its trial brief and an exhibit list with detailed explanations re objections. Dkt. 349. In a declaration attached to the exhibit list, LLUMC’s counsel explained that it had attempted to “coordinate, communicate and cooperate in the drafting, execution and filing of the documents,” but had received no response. Dkt. 349-1. Counsel also declared: “Further, having had no reciprocal coordination or communication from plaintiff regarding jury instructions, defense counsel cannot complete them unilaterally without the involvement of opposing counsel. On October 7, 2024, the Court’s instruction was clear and has been consistent in subsequent Orders [Dkt. 343, 347], for the parties to coordinate and plaintiff’s counsel to file and/or lodge the revised instructions.” Id.

Plaintiff's counsel have not provided any explanation for their failure to communicate with LLUMC's counsel or their failure to comply with this Court's orders concerning necessary trial preparation despite the fact that trial was set to begin on October 29, 2024. Therefore, the Court vacates the trial date. Plaintiff's counsel are ordered to show cause in writing no later than November 1, 2024 why sanctions in the amount of \$1,500 should not be imposed and why plaintiffs' counsel should not be required to pay any attorneys' fees that LLUMC has incurred as a result of their conduct. A hearing on the order to show cause is scheduled for November 4, 2024.

Failure to respond to this order to show cause in writing or to appear at the hearing will result in further sanctions, which may include dismissal of the claims against LLUMC.

IT IS SO ORDERED.

Date: October 22, 2024



Dale S. Fischer
United States District Judge